

REMARKS**1. Status of Claims**

Claims 1-14 have been rejected in the Office Action of December 24, 2003. Claims 1-14 are pending. Accordingly, applicant respectfully submits that all claims are in condition for allowance.

2. Abstract of Disclosure as required by 37 C.F.R. Section 1.72(b)

The Office Action has required an abstract of the disclosure as required by 37 C.F.R. Section 1.72(b). An abstract on a separate sheet of paper has been filed along with this Response. No new matter has been added.

3. Disqualification of Leary (U.S. Patent No. 6,425,133) as Prior Art under Section 103(c) Through Common Ownership

Applicant respectfully submits that U.S. Patent No 6,425,133 to Leary ("Leary") should be disqualified as prior art.

35 U.S.C. Section 103(c) states, in relevant part, that subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 shall not preclude patentability where the subject matter and claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Accordingly, Leary should be disqualified as prior art because U.S. Application 09/735,816 and Leary were, at the time the invention of U.S. Application 09/735,816 was made, owned by Motorola Inc.

4. Section 103(a) Rejection Over Leary (U.S. Patent No. 6,425,133) in View of Hendricks et al. (U.S. Patent No. 5,990,927)

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Leary in view of U.S. Patent No. 5,990,927 to Hendricks et al. ("Hendricks"). The disqualification of Leary as prior art established above renders this rejection moot, as Hendricks does not teach or suggest the claimed invention. The obviousness rejection should therefore be withdrawn.

CONCLUSION

It is respectfully submitted that all claims in the application are now allowable. Reconsideration and withdrawal of the pending rejections are respectfully requested. Early and favorable notice to this effect is earnestly solicited.

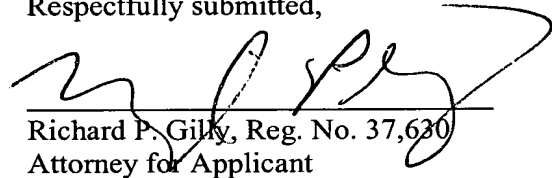
If the Examiner does not consider all of the pending claims allowable, the undersigned respectfully requests an interview with the Examiner to discuss the merits of the case.

Dated:

3/24/04

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Respectfully submitted,


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